

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE:

APPLICATION OF PIONEER RECOVERY
FUND LP and CHAMPLAIN
INVESTMENT HOLDINGS LTD. TO
TAKE DISCOVERY
PURSUANT TO 28 U.S.C. § 1782

Case No. 1:20-mc-0293

Applicants.

DECLARATION OF BLAISE U. CHOW, ESQ.

Blaise U. Chow, pursuant to 28 U.S.C. § 1746, hereby declares:

1. I am a member of Ropers Majeski, P.C., counsel for Pioneer Recovery Fund LP and Champlain Investment Holdings, Ltd. (together, "Applicants") in the above-captioned matter. I respectfully submit this declaration in support of the Application of Pioneer Recovery Fund LP and Champlain Investment Holdings, Ltd. for an Order to Take Discovery Pursuant to 28 U.S.C. § 1782. The application is being brought on an *ex parte* basis because courts in the Second Circuit routinely handle § 1782 requests *ex parte*.¹ No previous applications for this discovery has been made.

2. I am knowledgeable about the matters described below, and the facts stated herein are true and correct to best of my knowledge.

¹ See, e.g., *In re Hornbeam Corp.*, 2015 WL 13647606, at *4 (S.D.N.Y. Sept. 17, 2015) (collecting cases, and noting that "[d]istrict courts may and customarily do resolve applications for discovery pursuant to § 1782 through ex parte proceedings" and that there is "widespread recognition that § 1782 applications are properly handled ex parte"); see also *Gushlak v. Gushlak*, 486 F. App'x. 215,217 (2d Cir. 2012) ("[I]t is neither uncommon nor improper for district courts to grant applications made pursuant to § 1782 ex parte."); *In re Application of Esses*, 101 F.3d 873 (2d Cir. 1996); *In re Application of Aldunate*, 3 F.3d 54 (2d Cir. 1993).

3. Attached hereto as **Exhibit A** are true and correct copies of the proposed subpoenas for document production and testimony to be served upon Amanda Wilson.
4. Attached hereto as **Exhibit B** are true and correct copies of the proposed subpoenas for document production and testimony to be served upon 10 East 63rd Street, Inc.
5. Attached hereto as **Exhibit C** are true and correct copies of the proposed subpoenas for document production and testimony to be served upon Pedro Santiago.
6. Attached hereto as **Exhibit D** are true and correct copies of the proposed subpoenas for document production and testimony to be served upon Astrid Pillay.
7. Attached hereto as **Exhibit E** are true and correct copies of the proposed subpoenas for document production and testimony to be served upon Charles Holzer.
8. Attached hereto as **Exhibit F** is a true and correct copy of the Writ of Summons Applicants intend to file in the Supreme Court of the Commonwealth of the Bahamas, Common Law and Equity Division.
9. Attached hereto as **Exhibit G** is a true and correct copy of the Entity Information for 10 East 63rd Street, Inc. on file with the New York State Department of State, Division of Corporations, accessed from New York State's online Corporation & Business Entity Database (https://www.dos.ny.gov/corps/bus_entity_search.html).
10. Attached hereto as **Exhibit H** is a true and correct copy of the Entity Information for Halstead Manhattan, LLC on file with the New York State Department of State, Division of Corporations, accessed from New York State's online Corporation & Business Entity Database (https://www.dos.ny.gov/corps/bus_entity_search.html).
11. Attached hereto as **Exhibit I** are true and correct screenshots of Astrid Pillay's "Agent Profile" accessed from the corporate website of Halstead Real Estate on August 3, 2020

(<https://www.halstead.com/real-estate-agent/astrid-pillay>). The profile lists a townhouse located at “10 East 63rd Street” and describes it one of “selected closed transactions in which Amid Pillay represented the buyer, the seller, or both.” *See* page 5.

12. Attached hereto as **Exhibit J** is a true and correct copy of an Order of this Court dated September 25, 2014 granting an application to take discovery from Charles Holzer pursuant to 28 U.S.C. § 1782.

13. Attached hereto as **Exhibit K** is a true and correct copy of an affidavit of service of discovery on Charles Holzer, made pursuant to the aforementioned Order of this Court, reflecting that Charles Holzer was personally served at 233 East 62nd Street, New York, New York 10065 on September 29, 2014. Upon information and belief, Mr. Holzer continues to reside at this address.

14. Attached hereto as **Exhibit L** is a true and correct copy of an affidavit of Pedro Santiago filed in the Supreme Court of the State of New York on August 16, 2013, in which Mr. Santiago held himself out as the vice president of 10 East 63rd, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 21, 2020



Blaise U. Chow